

1 DAN M. WINDER, ESQ.
2 Nevada State Bar No.: 001569
3 ARNOLD WEINSTOCK, ESQ.
4 Nevada State Bar No.: 000810
5 LAW OFFICE OF DAN M. WINDER, P.C.
6 3507 W. Charleston, Blvd.
7 Las Vegas, NV 89101
8 Telephone: (702) 474-0523
9 Facsimile: (702) 474-0631
10 winderdanatty@aol.com
11 Attorney for Defendant
12 ERIK ZUNIGA-MANZO
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8 **UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,) Case No: 2:22-cr-134-APG-BNW
11 vs.)
12 ERIK ZUNIGA-MANZO,) **STIPULATION TO CONTINUE
13 KEVIN ZUNIGA) SENTENCING
14 ALEXANDER CINTRON) (Second Request)
15 CARLOS IBARRA)
16 ARLEN IRIAS)
Defendants.)
17**

18 **IT IS HEREBY STIPULATED AND AGREED**, by and between ERIK ZUNIGA-
19 MANZO, Defendant, by and through his counsel DAN M. WINDER, ESQ., and the United States
20 of America, by MELANEE SMITH, Assistant United States Attorney, that the sentencing for ERIK
21 ZUNIGA-MANZO, currently scheduled for October 29, 2024 at 1:30 p.m., in the above-captioned
22 matter be vacated and continued for 90 days or to a date and time to be set by this Honorable Court
23

24 This Stipulation is entered into for the following reasons:

25 1. Counsel for the Defendant needs addition time to obtain a copy of the PSI in order
26 to prepare Sentencing Memorandum.

27 2. The Defendant is not incarcerated and does not object to the continuance.

28 3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purpose of delay, but merely
to allow counsel for Defendant sufficient time to obtain a PSI to prepare a Sentencing Memorandum.

1 5. Currently there is a case pending before the 9th Circuit Court of Appeal regarding
2 constitutionality of an ex-felon in possession statute.

3 6. Additionally, denial of this request for continuance could result in a miscarriage of
4 justice. The additional time requested by this Stipulation is excludable in computing the time within
5 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
6 Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code, Section
7 3161 (h)(7)(b)(I), (iv).

8 This is the first request to continue Sentencing filed herein.

9 DATED this 16th day of October, 2024

10
11 DAN M. WINDER, ESQ.
Counsel for Defendant

JASON FRIERSON
United States Attorney

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14 /s/Dan M. Winder
DAN M. WINDER, ESQ.

/s/Melanee Smith
MELANEE SMITH
Assistant United States Attorney

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2 **UNITED STATE DISTRICT COURT**
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4 **DISTRICT OF NEVADA**

5 UNITED STATES OF AMERICA,)
6 vs.)
7 ERIK ZUNIGA-MANZO,)
8 KEVIN ZUNIGA)
9 ALEXANDER CINTRON)
10 CARLOS IBARRA)
11 ARLEN IRIAS)
12 Defendants.)

13 Case No: 2:22-cr-134-APG-BNW
14 **STIPULATION TO CONTINUE
15 SENTENCING
16 (First Request)**

17 **FINDINGS OF FACT**

18 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court
19 finds that:

20 1. Counsel for the Defendant needs addition time obtain a copy of the PSI in order
21 to prepare Sentencing Memorandum.

22 2. The Defendant is not incarcerated and does not object to the continuance.

23 3. The parties agree to the continuance.

24 4. The additional time requested herein is not sought for purpose of delay, but merely
25 to allow counsel for Defendant sufficient time to obtain a PSI to prepare a Sentencing Memorandum.

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justice. The additional time requested by this Stipulation is excludable in computing the time
within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
States Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code,
Section 3161 (h)(7)(b)(I), (iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granted said continuance outweigh the best interest of the
3 public and the Defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
8 States Code, Section 3161 (h)(7)(A), considering the factors under Title 18, United States Code,
9 Section 3161 (h)(7)(b)(I), (iv).

10 **ORDER**

11 **IT IS FURTHER ORDERED** that the Sentencing currently scheduled for July 30,
12 2024 at 10:00a.m., be vacated and continued to February 4, 2025 at the hour of 1:30 p.m in
13 Courtroom 6C.

14 DATED this 21st day of October, 2024.



15 _____
16 UNITED STATES DISTRICT JUDGE